

REMARKS

Entry of the above amendments is respectfully requested.

Summary of Amendments

Upon entry of the present Amendment claims 33-38, 40-42 and 50-54 are cancelled, claims 39 and 43 are amended and claims 55-64 are added, whereby claims 39, 43-49 and 55-64 will be pending, claims 39, 55 and 60 being independent claims. Support for the new claims can be found throughout the present specification and in the cancelled claims.

In this regard, it is noted that independent claim 39 corresponds generally to (cancelled) claim 42, independent claim 55 corresponds generally to (cancelled) claim 45, and independent claim 60 corresponds generally to (cancelled) claim 47.

Applicants emphasize that the cancellation of claims 33-38, 40-42 and 50-54 and the amendments to claim 39 are without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute the cancelled claims and claim 39 in its original, unamended form in one or more divisional and/or continuation applications.

Applicants further note that entry of the instant Amendment is proper because it does not raise any new issues and does not require a further search.

Summary of Office Action

As an initial matter, Applicants note with appreciation that the Examiner has indicated consideration of the Information Disclosure Statement filed May 2, 2011. In this regard, it is noted that on November 7, 2011 a further Information Disclosure

Statement was filed and the Examiner is respectfully requested to indicate consideration of the November 7, 2011 Information Disclosure Statement in the next communication from the Patent and Trademark Office.

Applicants further note with appreciation that claims 33-36, 38, 42, 45, 47 and 50-54 are indicated to be allowable upon the filing of a terminal disclaimer and that claim 37 is indicated to be allowable upon overcoming the rejection under 35 U.S.C. § 112, second paragraph, set forth in the instant Office Action and upon filing of a terminal disclaimer.

Claims 33-38 and 50-54 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over several claims of U.S. Patent No. 7,825,074.

Claims 39-49 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over several claims of co-pending Application No. 11/721,201.

Claims 37 and 43 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 39-41, 43, 44, 46, 48 and 49 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Popall et al., U.S. Patent No. 5,734,000 (hereafter "POPALL").

Response to Office Action

Reconsideration and withdrawal of the rejections set forth in the present Office Action are respectfully requested, in view of the foregoing amendments and the

following remarks.

Response to Obviousness-Type Double Patenting Rejections

Claims 33-38 and 50-54 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over several claims of U.S. Patent No. 7,825,074 and claims 39-49 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over several claims of co-pending Application No. 11/721,201.

Applicants respectfully disagree with the Examiner in this regard. Nevertheless, merely in order to advance the examination of the instant application, a duly executed Terminal Disclaimer with respect to co-pending Application No. 11/721,201 is being submitted herewith. Claims 33-38 and 50-54 are cancelled, thereby rendering their rejection over U.S. Patent No. 7,825,074 moot.

Response to Rejections under 35 U.S.C. § 112

Claims 37 and 43 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants respectfully disagree with the Examiner in this regard as well. At any rate, claim 43 has been amended and claim 37 has been cancelled, whereby this rejection is moot as well.

Response to Rejection under 35 U.S.C. § 102(b) over POPALL

Claims 39-41, 43, 44, 46, 48 and 49 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by POPALL.

Applicants respectfully disagree with the Examiner in this regard. At any rate, merely in order to advance the examination of the instant application the rejected claims are cancelled, thereby rendering this rejection moot as well.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, wherefore an early issuance of the Notices of Allowance and Allowability is earnestly solicited. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to telephone the undersigned at the telephone number below.

January 19, 2012
Date

Respectfully submitted,

/Heribert F. Muensterer/

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